

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

GERALD SMITH, #05324-043

PETITIONER

VERSUS

CIVIL ACTION NO. 5:07-cv-170-DCB-MTP

CONTANCE REESE, et al.

RESPONDENTS

ORDER TO SHOW CAUSE

On October 10, 2008, an order was entered lifting the stay in this action and directing Petitioner to file a written response providing more information within twenty days. On October 20, 2008, the envelope sent to the Petitioner containing the Court's order was returned by the postal service with the notation "return to sender." The Petitioner was warned in this Court's order of October 10, 2008, that failure to keep the Court informed of his address may result in dismissal of his petition. Since the Petitioner is proceeding *pro se*, he will be provided one final opportunity to comply with the Court's order. The Petitioner is warned that failure to timely comply with the requirements of the order will lead to the dismissal of his petition, without further notice. Accordingly, it is

ORDERED:

(1) That Petitioner file a written response, within twenty days of the date of this order, showing cause why this case should not be dismissed for failure to comply with the Court's order of October 10, 2008;

(2) That Petitioner comply with the order of October 10, 2008, within twenty days of the date of this order, by filing a written response stating why his petition for habeas relief should not be dismissed as moot in light of the Second Chance Act of 2007, Pub. L. 110-199, Title II, § 251(a), 122 Stat. 692 (Apr. 9, 2008) or file a notice of voluntary dismissal;

(3) That failure of the Petitioner to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Petitioner and will result in this cause being dismissed without further notice to the Petitioner; and

(4) That the Petitioner is required to file his original response to this order to show cause with the Clerk, P.O. Box 23552, Jackson, Mississippi 39225-3552. Failure to properly file a response may result in this civil action being dismissed.

THIS, the 24th day of November, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE